HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 118 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, June 5, 2018

Chair

The Honourable John McKay

Standing Committee on Public Safety and National Security

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● (1100)

[*English*]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): Ladies and gentlemen, it's 11:00. I wish to get started.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Chair, I would like to raise a point of order.

[*English*]

The Chair: Let me call the meeting to order before you have your point of order. We'll start off.

Pursuant to the order of reference of Wednesday, March 28, 2018, we are now moving to clause-by-clause consideration of Bill C-71, an act to amend certain acts and regulations in relation to firearms.

We have with us three witnesses. From the Department of Public Safety we have Randall Koops; from the RCMP we have Rob O'Reilly; and from the Department of Justice we have Paula Clarke.

Before we move to the formal consideration of clause-by-clause, I understand Mr. Paul-Hus has an intervention.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you very much, Mr. Chair. Here's why I'm raising a point of order.

During the last meeting, there was a real breach of my privilege as a parliamentarian because of interpretation problems. It isn't that our interpreters are ineffective, on the contrary; they are professional and do very well. However, the delay in interpretation means that exchanges can be more complicated. I can understand English, but I listen to the interpretation. So I have to wait until the interpreter has finished the sentence, which takes two or three seconds, then someone else speaks and I'm not in a position to speak. So my right to speak is cut off.

I would like the committee to take note of this problem.

This wasn't a problem when I was on the Standing Committee on National Defence. It isn't just a problem on the francophone side. If an anglophone speaks, I also have to wait. If I stop speaking now, Mr. Chair, you will end up hearing the interpretation, and if I continue, it cuts into your right to speak. Do you understand the problem?

I think it's important for everyone. It's a matter of mutual respect for all members of the committee, in one language or the other. We should wait for the interpretation to finish before continuing.

[*English*]

The Chair: Thank you. You've made your point. I think it's valid. I have the same problem.

(On clause 1)

With that, we will move to clause 1, CPC-1. The amendment is in the name of Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, before we start discussing our amendments, I would like to point out something else.

Last week, I asked for a deadline to work on our amendments. We ran out of time. On our side, we have 54 amendments, which require additional work. In addition, testimony given by indigenous people must be taken into account.

That said, I will talk about the Conservatives' first amendment. We think it is important to give elected officials the power to regulate the types of restricted weapons. It should remain the privilege of elected officials to decide which weapons can be used by the public.

● (1105)

[*English*]

The Chair: Is there any discussion?

Mr. Fragiskatos.

Mr. Peter Fragiskatos (London North Centre, Lib.): Mr. Chair, respectfully I cannot support the amendment. The reason is that the cited sections of the Criminal Code, specifically section 84, already reference relevant regulations when appropriate and, as such, the reference to regulations is redundant.

The Chair: Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): I would say that it's important that the amendment maintain the ability for the elected officials, via regulation-making, to determine that a firearm is non-restricted. It's consistent, albeit the words are different, with what's contained in the Common Sense Firearms Licensing Act.

The Chair: Are there any other comments?

Mr. Viersen, welcome to the committee.

Mr. Arnold Viersen: Thank you. It's my honour to be here this morning.

I was just wondering if we could ask our witnesses here today if this would make it more clear that we want to ensure that elected officials maintain control of the regulation made under this act.

Mr. Koops.

Mr. Randall Koops (Director General, Policing and Firearms Policy, Department of Public Safety and Emergency Preparedness): I think there's nothing in the act that would change the provisions that elected officials remain in control of the regulations. I think the question, as your colleague has suggested, is that perhaps since section 84 already includes the definition of regulations, this provision may in fact be redundant in that case, without actually changing the situation that it is elected officials who are responsible for the regulations.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: On NDP-1, we have Mr. Dubé.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): One of the big changes made by this legislation—one which we support—is returning power to the RCMP for classification. It's our belief that they're the ones with the expertise to make such determinations, which are obviously based on definitions created by Parliament.

That being said, I think one of the things that clearly comes out of both witness testimony and correspondence that members have received on this legislation is that there is obviously a trust issue that needs to be addressed with the community of firearms owners in this country. I believe one of the ways to address that is to have the RCMP be more transparent about the reasons behind determinations that are made and I think that would go a long way in re-establishing trust.

That's what this amendment seeks to do, by tabling a report that goes through the reasoning behind the changes potentially made by the RCMP.

The Chair: Mr. Fragiskatos.

Mr. Peter Fragiskatos: Mr. Chair, I don't believe the amendment should be supported because, as C-71 is already drafted, it ensures a consistent approach to firearms classification, where determinations are made by technical experts at the Canadian firearms program.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: With all due respect, I think this really needs to be supported for the exact reasons cited. Particularly, I think this amendment goes to similar causes as the amendment before it. We want to maintain that the list is overseen by elected officials. If the regulations can be changed, or the firearms are being placed on the restricted list, or taken off, or all that kind of stuff, it is important that it doesn't come back to the House of Commons.

This is a canary in the coal mine issue. When the government is changing legislation or changing regulation around the classification of firearms, I think we need to ensure that they have to make Parliament aware of that situation.

I think this is a very supportable amendment and I'm happy to support it.

● (1110)

The Chair: Mr. Motz.

Mr. Glen Motz: I agree with my colleague. As I understand this amendment, it will force the Minister of Public Safety to table the rationale for the classifications in Parliament.

I would prefer that the RCMP were not the unilateral, sole source of classifications and we'll see some of that in amendments coming forward. This amendment does make sense.

I guess my question to officials, like Mr. Koops, as well as our legislative clerk.... I would support this amendment, unless it is deemed that if we support it, some of the ones that are similar in this would be deemed to be non-votable.

The Chair: Are you asking that of the legislative clerk?

Mr. Glen Motz: Yes.

Mr. Olivier Champagne (Legislative Clerk): It's an independent one.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: On CPC-2, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, the debate has been raging since Bill C-71 was introduced. That was the case even last night in the House of Commons because of the issue of bringing back a long gun registry. The government is telling us that there is no question of bringing the registry back, but we doubt it very much.

In order to close the loophole and ensure that the law is correct in this regard, we are proposing an amendment to ensure that there will be no return of a long gun registry, which cost Canadians $2 billion and was abolished because it was ineffective and unnecessary. We believe it is fair and would solve the problem.

[*English*]

The Chair: Mr. Fragiskatos.

Mr. Peter Fragiskatos: I very much welcome this amendment because I think it provides clarity that C-71 does not establish a long-gun registry. For that reason, it has my full support. The wording testifies to that fact.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: I'm happy to hear from my colleague, and that was precisely our point with moving this amendment: that folks are considerably worried about the fact that this bill is the reintroduction of the long-gun registry. I'm glad to hear that the Liberals are supporting this, for sure.

Thank you.

The Chair: Is there any other debate?

Mr. Arnold Viersen: Could I get a recorded vote?

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: That's a rare occasion of unanimity on this bill.

Just before I ask for CPC-3 to be introduced by Mr. Motz, I'm assuming that there are no consequences to the support for CPC-2. Am I correct about that?

Mr. Olivier Champagne: I would concur.

The Chair: Mr. Motz.

Mr. Glen Motz: CPC-3 deals with weapons classification, and it provides, to me, a better process. It provides a better process for review of weapons classification and ministerial decisions—based on manufacturers' and RCMP recommendations—that are gazetted with the minister's rationale.

If you look at clause 1 of Bill C-71, we're recommending that it be amended by adding after line 8 on page 1 the following language:

> (2.01) Subject to subsection (2.02), the federal Minister may, by order, deem a firearm to be a prohibited firearm, restricted firearm or non-restricted firearm for the purposes of this Act and the *Criminal Code* despite the definitions of those terms in subsection 84(1) of the *Criminal Code*.
>
> (2.02) No order shall be made under subsection (2.01) unless
>
> (a) the Minister has received, with respect to a firearm, recommendations from the firearm's manufacturer and the Royal Canadian Mounted Police; and
>
> (b) the Minister has caused the proposed order to appear in the *Canada Gazette* along with an explanation of the Minister's views on why the order is appropriate based on the information received under paragraph (a).

● (1115)

The Chair: Mr. Dubé.

Mr. Matthew Dubé: With regard to what was just distributed by the clerk, what's the difference between that and...?

The Chair: I'm told it's not the same, but I have not seen what was just distributed.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, from what I understand, amendments CPC-3 and CPC-4 have been amalgamated. Is that correct?

[*English*]

The Chair: The issue is this: what does the new one have to do with the one that's just been moved?

Mr. Glen Motz: It's similar in nature, but different.

The Chair: Colleagues, just as a point of courtesy, it's very difficult to absorb what is being moved with what is being distributed if we have no time.

Mr. Dubé.

Mr. Matthew Dubé: What was just read—CPC-3—what was just distributed, and CPC-4 are all different versions of a proposed subsection 2(2.01). It's a little unfortunate. I understand that, notwithstanding a member's privilege to move something from the floor, we have this huge new pack of amendments and everything on the fly like this. Again—notwithstanding that I recognize that I have done it myself and I will certainly do it again, perhaps not on this bill, but on others—it's not the most helpful thing. I'm just seeking clarity from my colleagues.

The Chair: There is a distinction between privilege and courtesy, and for those of us who are recipients of these new things, they're difficult to absorb.

Mr. Motz.

Mr. Glen Motz: The new amendment before us, which I'll speak to when I'm done with amendments CPC-3 and CPC-4, was received this morning from the legislative clerk's office at 10:19. I didn't have any previous opportunity to provide it, so I would ask the committee's indulgence in that.

The Chair: You're entitled to the indulgence.

I think we should just carry on, unless our legislative clerk has some different view. I wouldn't want to anticipate the success of Mr. Motz's motion in advance, but I think we can continue.

Mr. Motz has properly presented the motion and read it into the record. It's now open for debate.

We're still on amendment CPC-3.

Mr. Fragiskatos.

Mr. Peter Fragiskatos: Unlike the case with amendment CPC-2, in which my colleagues opposite recognized what this side has always said about the long-gun registry, the fact that it's not a long-gun registry, and on which we agreed unanimously, we're not going to agree here.

It can't be supported simply because the proposed amendment is directly contrary to the intention of the bill, which is to ensure a consistent approach to firearms classification such that determinations are made by technical experts within the Canadian firearms program.

● (1120)

The Chair: Mr. Motz.

Mr. Glen Motz: In reality, we heard from witnesses who made it very clear that the RCMP is not the only expert on firearm classification. In order to ensure that there is a robust process.... Unilateral classification by the RCMP alone has historically been fraught with issues over the years. Having a different process—under which they do not have unilateral control without oversight regarding approval of any classifications—is the desire of tens of thousands of Canadians across this country. We're here to represent them, and not for some other partisan purpose.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: With regard to this amendment as well, just the fact that it's gazetted.... We want some clarity around the fact that if changes are being made, all Canadians should be made aware of that. We would like to see it in the House of Commons, but if we can't get that, then the *Canada Gazette* would be appropriate as well.

The Chair: Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I can give you an example. Last week, we saw what could happen. It was my colleague here who discovered it. On its website, the RCMP has already officially announced changes to the types of weapons, even though the act hasn't yet been passed in the House.

It is important that Parliament—the House of Commons and the Senate—retain a reserve right over RCMP operations. We cannot let a police force do everything it wants independently. If that were the case, we would be a bit like a police state. It is our duty to keep an eye on this. That is why this amendment is very important.

[*English*]

The Chair: Mr. Motz.

Mr. Glen Motz: Further to that, Mr. Chair, and based on what my colleague said, I think it's important that we heard from witnesses in other testimony that law enforcement should be the enforcement arm of these legislative.... They can advise. They are there to provide expertise, but they are not there to be the final authority on not only the making of the law, if you will, but also the enforcement of it. There needs to be a distinction, and that's where elected officials come in.

The Chair: Is there any further debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We're now on amendment CPC-4.

Mr. Motz.

Mr. Glen Motz: Thank you, Mr. Chair.

I would suggest that this has some minor differences. This amendment proposes that clause 1, again, be amended by adding after line 8 on page 1 the following:

> (2.01) The federal Minister must cause to be tabled in each House of Parliament any recommendations received from the Royal Canadian Mounted Police with respect to whether a firearm is a prohibited firearm, restricted firearm or non-restricted firearm on any of the first 10 days on which that House is sitting after the recommendations were received by the Minister.
>
> (2.02) The federal Minister shall not act to implement a recommendation that is tabled under subsection (2.01) if
>
> (a) fewer than 10 sitting days have elapsed since the recommendation was tabled; or
>
> (b) a motion to the effect that the recommendation should not be followed was adopted by the Senate or the House of Commons.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: This amendment is in keeping with some of the other amendments we've had. We have some options for the Liberals to work with us on this. Particularly, we want to see legislative oversight being done by legislative officials, not the RCMP exclusively. If we're going to make changes to the Firearms Act, it should be tabled in the House of Commons. I think this is a workable solution, like some of the others that we brought forward. But if the Liberals want to vote against this, they'll have to wear that as well, I guess.

(Amendment negatived)

The Chair: We have 4.1 and 4.01. Is that this 4.01?

● (1125)

The Chair: I'm assuming that 4.01 comes before 4.1. Sorry, we've allocated a number to the one that's just been distributed and we're calling that 4.01.

This is yours, so you're on.

Mr. Glen Motz: Thank you.

Again, this is similar to CPC-3 and CPC-4. However, there are some substantial changes to the body of it.

Clause 1 is amended by adding after line 8 on page 1:

> (2.01) A firearm may be deemed a prohibited firearm, restricted firearm or non-restricted firearm for the purposes of this Act and the Criminal Code despite the definitions of those terms in subsection 84(1) of the Criminal Code by order of the federal Minister on the recommendation of the Firearms Classification Board established in subsection (2.02).
>
> (2.02) The Firearms Classification Board is established and, subject to subsections (2.03) and (2.04), is to consist, in equal numbers, of individuals named by the federal Minister and individuals named by the Commissioner of the Royal Canadian Mounted Police.
>
> (2.03) Only holders of a licence authorizing the possession of prohibited firearms or restricted firearms shall be named to the Board.
>
> (2.04) In naming individuals to the Board, the federal Minister shall ensure that there are individuals who
>
> (a) provide instructions in the use of firearms as part of a restricted firearms safety course that is approved by the federal Minister;
>
> (b) handle firearms in the course of duties of employment; and
>
> (c) represent various firearms users, including hunters and members of First Nations.
>
> (2.05) The Board may make recommendations to the federal Minister as to whether a firearm should be deemed a prohibited firearm, restricted firearm or non-restricted firearm for the purposes of this Act and the Criminal Code. The federal Minister shall cause all recommendations of the Board to be published in the *Canada Gazette*.
>
> (2.06) Proceedings of the Board shall be conducted in the prescribed manner.

The Chair: Mr. Motz, before I ask for debate, could you give me an argument as to why this section does not require a royal recommendation, because you are in effect creating a new entity, which would require expenditure on the part of the government. That's generally beyond the scope of a bill.

Mr. Glen Motz: I appreciate that, Mr. Chair. I think what's important to recognize, as I said previously, is that historically there have been issues with unilateral classification by the RCMP. We heard from witnesses at the committee that if we were going to try to at least give the appearance of getting this right, we need to have more involvement in a classification process that's broader. The best way to do that is to develop a board—we call it a classification board here—for that purpose.

If you deem that this is not appropriate because it has an expenditure component to it, that's not something that I took into consideration, simply because I'm trying to address an issue that's void in the bill and that—

The Chair: *[Inaudible—Editor]* trying to address? I'm not convinced that this isn't beyond the scope of the bill.

Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Mr. Chair, here's what I find interesting about this amendment. Given that we received it today, I apologize if I read it wrong.

Despite the Conservatives' willingness to put the power in the hands of the elected officials, their amendment does the opposite. Subsection 2.01 proposed in this amendment reads: "... despite the definitions of those terms in subsection 84(1) of the Criminal Code". Changes to the Criminal Code fall within the jurisdiction of Parliament, which passes legislation to amend it. This amendment removes the power of Parliament to set definitions and gives the minister back the same power he had under the previous government.

The committee formed has no real power; it simply makes recommendations. On the contrary, if the minister doesn't even have to follow the recommendations of the committee he appointed and if we add "despite definitions" that may be established by Parliament, it is less democratic, in my opinion, than what is proposed in the bill. Indeed, the bill at least proposes that Parliament retain the power to legislate with respect to the Criminal Code.

As I just said, we have just received this amendment, and I may be reading it wrong. However, as I understand it, the status quo is maintained, and we want to be democratic by proposing the formation of a committee, but it would not be accountable to the public in the way we would have expected.

● (1130)

[*English*]

The Chair: Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, it is normal for us to return to the complexity of weapons classification management.

It is said that Bill C-71 should not propose the creation of a board. However, it plans to change the classification of certain weapons. There is some question of Czech or Swiss weapons. Who around the table can tell me what the Classic Green model from Swiss Arms is? No one knows that. There are technical elements that we haven't debated regarding which weapons should or shouldn't be banned or prohibited. We see this as a problem. That's why we think the creation of a board of experts made up of people who know what they're talking about would be in the best position to make the right recommendations.

I would like to know who created this list, where these names came from and why these weapons are listed. Someone made those decisions, and we don't know why. We have no explanations.

[*English*]

The Chair: Mr. Viersen.

Mr. Arnold Viersen: On this particular point about whether it's budgetary or not, it is interesting that the minister and the commissioner of the Royal Canadian Mounted Police and all the people named to this board would possibly already be on the public dime regardless. I don't know if it would necessarily cost us anything to run this particular board, because we could appoint them essentially from existing bureaucrats and members of the RCMP. That wouldn't be a problem in terms of budget impact. That's why I think this particular amendment should stand.

It gets back to the point that the RCMP is in the business of enforcing the law and not of making the law. We need to ensure that it always comes back to an elected official to have to make the final decision.

The Chair: Mr. Motz.

Mr. Glen Motz: Going back to my NDP friend's suggestions, I just got it this morning and I just read that we are void.

I'm prepared to make an amendment based on his suggestion that the parliamentary oversight for the classifications board still exists, and that this was in error, being non-existent in this particular one. I would move an amendment that would include, similar to amendments 3 and 4, "That both Houses of Parliament have the ability to be involved in the final decisions, as recommended by the classifications board".

The Chair: Is that an amendment to the amendment?

Mr. Glen Motz: Yes. Let me explain it, sir.

In amendments CPC-3 and CPC-4, we wanted parliamentary oversight, and in amendment CPC-4.01, parliamentary oversight was voided from this particular amendment, which was done in error.

I just read this now and my NDP colleague just brought it up. I want to ensure that what we are asking for, which is parliamentary oversight, continues to be involved. The only addition we are asking for here is that we have a firearms classification board, that the recommendations from that firearms board go to the minister, and that minister is then required to report it back to Parliament.

● (1135)

The Chair: First of all, you can't amend your own amendment.

Mr. Glen Motz: Well, I'm unacceptable again today.

The Chair: Are you having a colleague amend your amendment?

Mr. Glen Motz: As a matter of fact, that might occur, Mr. Chair.

The Chair: Do people understand the amendment that he has proposed to his amendment CPC-4.01?

I know you'll be disappointed in my ruling, Mr. Motz, and I feel badly about that, but I don't feel so badly as to not tell you that the amendment you proposed, CPC-4.01, was referred to the committee after second reading, and it is out of order because it is beyond the scope and the principle of the bill.

It is the opinion of the chair that the firearms classification board introduces a new concept that is beyond the scope of the bill. Therefore, I am ruling it inadmissible.

Mr. Glen Motz: Can I comment on that?

The Chair: It's a motion that can only be voted on; it can't be debated. I don't think...debate and comment are one and the same in the present circumstances. No, you can't comment. I feel badly about that. I'm sure I'll hear about it later.

Amendment CPC-4.01 is inadmissible.

We still have amendment CPC-4.1, which we will get to.

I insincerely apologize for some confusion on the part of the chair, but we've had a fresh set of amendments and then we've had another fresh set of amendments. I'm just trying to keep track to make sure that we stay on track. I'm therefore told that we now move to the motion. Shall clause 1 as amended carry?

(Clause 1 as amended agreed to on division)

The Chair: There we go. Thank you, colleagues, and thank you for your patience, and I thank you in advance for your future patience.

(On clause 2)

The Chair: We are now on clause 2. The first amendment is CPC-4.1.

That is Mr. Calkins' amendment. Is someone here prepared to move that?

Mr. Viersen.

Mr. Arnold Viersen: I'm asking the committee to consider this amendment, by replacing line 2 on page 2 with the following:

> licence, for the first time in their life, under subsection (1), a chief firearms officer or,

This would help to ensure that people who are working in this have eligibility, with a licence. We have to make sure that this all works.

The Chair: Is there any debate?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We're now on to CPC-5. I note that if it is adopted, CPC-6 and CPC-7.1 cannot be moved.

Mr. Paul-Hus.

● (1140)

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

This is about background checks. We are unanimous in saying that a more effective background check system must be put in place. However, we believe that the duration provided for in the bill, which is for life, is far too long. Currently, it is five years.

In a brief to the committee, the Canadian Labour Congress also recommends a 10-year term. the amendment suggests that a 10-year limit be placed on the background check.

[*English*]

The Chair: Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): We certainly don't agree with shortening the time. The bill indicates a lifetime. It's a consideration that will be given for the lifetime of the person, and that certainly is appropriate, so we won't support the amendment.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We'll turn to CPC-6.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Given that a period of 10 years hasn't been accepted, this amendment proposes a period of 20 years.

Let's see what might happen if the background check period was set to lifetime.

My father is 70 years old. Suppose, when he's retired, he decides to undergo firearms training in order to obtain a licence. A background check that covers his entire life, so 70 years, would be done. Logically speaking, how could that be done? It makes no sense.

Customs were different 50 years ago, in the 1960s. He could have done something that was proper then but isn't anymore. Things change in 50 years. He would be denied a licence because something might have happened 50 or 55 years ago.

That may make sense in the case of someone who is 25 or 30 years old, but not in the case of people who are 50, 60 or 70 years old. They may decide to go sport shooting or hunting because they never had the time when they were working. Now they have time and would like to go duck hunting, for example. Then we would go through their whole lives. A 20-year period is still a long time in a lifetime. Such a period would provide a profile of the individual and provide a good idea of the person.

Mr. Chair, we need to be a little logical.

[*English*]

The Chair: Thank you.

Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

I think that's already the case. According to the courts, any information about a licence applicant can already be considered. The change proposed in the bill is intended to clarify one point. In some cases, this is already done, despite the five-year limit.

I am reassured by what I have heard from several witnesses during our study. Contrary to what they seem to be claiming, a single incident in an individual's background will not immediately be focused on. The extent of the action and whether there is a criminal record will be taken into consideration. We have been given examples of things that aren't even criminal offences. As things stand, it's very clear that we can weigh everything up. There will be no immediate disqualification. If follow-up with an applicant is deemed necessary, for example through an interview, this will cover the period being assessed, meaning the entire lifetime. At the risk of repeating myself, there will be no immediate disqualification.

[*English*]

The Chair: Mr. Viersen.

Mr. Arnold Viersen: Yes, for sure, I think that the ban for 20 years works fairly well. I would support my colleague on this one. I don't see why we need to have it as a lifetime. That seems too long. I think people change after 20 years. People make mistakes. So it's worth a miss for sure.

● (1145)

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Chair. I have two questions for Mr. O'Reilly, just to clarify some information. You know, there is some confusion.

When someone applies for a firearms licence now, the CFO or the Canadian firearms program will check that person's criminal record, will they not?

Mr. Rob O'Reilly (Director, Firearms Regulatory Services, Canadian Firearms Program, Royal Canadian Mounted Police): Yes, they will.

Mr. Glen Motz: That criminal record check is not for only the previous five years, is it?

Mr. Rob O'Reilly: When an individual makes the initial application for a firearms licence, their entire criminal record is looked at at that point.

Mr. Glen Motz: Currently.

Mr. Rob O'Reilly: Currently, on new applications. As it relates to continuous eligibility, there has been some discussion in this room about the distinctions between the two. Continuous eligibility, in essence, brings things in real time to the attention...so continuous eligibility is not looking back historically. It would look at incidents that may have occurred yesterday or the day before. However, during an initial application, the entire criminal record would be looked at.

Mr. Glen Motz: Just so I'm clear, I'm applying for a licence for the first time, and my whole criminal history is examined, and I'm found to be okay to receive a licence. But then every day from that day forward—you call it continuous evaluation—I am run against CPIC for a criminal record, to see whether or not I have any instances of criminality moving forward, do I not?

Mr. Rob O'Reilly: If I can correct you, sir. No, you're not run against CPIC. What occurs every day is this. There are approximately 400 offences under the Criminal Code that have what are called UCR codes associated to them. Those 400 offences can generate what's called a "firearms interest to police", FIP. They are generated for every single Canadian, period. If a FIP is generated for an individual for one of those 400 offences, CPIC will check against the Canadian firearms information system to determine whether or not that individual is a client. If that individual is a client, and there is a match, then the information is forwarded to the program. Therefore, it's the reverse of what you've described. We're not checking CPIC. In essence, CPIC is checking us.

Mr. Glen Motz: Right. Thank you for the clarification. I was curious to know exactly how that worked; I know very well how the UCR codes and CPIC work.

The concept that I was trying to get at is identical. Every single day, if I commit an offence, anybody who has a PAL, anybody who has a firearms licence, every single day, once that conviction has been secured in court, and the UCR codes are uploaded, then that cross-check is being done on someone's record moving forward in real time—or as real time as the courts and the UCR codes are put up into the system, which, unfortunately, as we all know, is not real time. Is that true?

Mr. Rob O'Reilly: Essentially yes. The CFOs are made aware of offences in real time that match those 400 UCR codes that do generate FIPs. Yes.

Mr. Glen Motz: Okay. We already do a background check on criminality, which is what this amendment speaks to...a lot of what the act speaks to, the new bill. We're already doing full background checks on criminality going back to the beginning of a person's record and then real-time ones moving forward once you have a licence, right? How, then, does it work when an offence is committed? Could you explain that for the committee?

There's UCR code that identifies a problem with having a PAL. What do you do from that moment on to ensure that either that person's licence is revoked or...? How do you go through that process?

Mr. Rob O'Reilly: Basically, if an offence has occurred or a FIP is generated, it would be sent to the chief firearms officer of the jurisdiction where the individual resides. The CFO would look at the nature of that offence. In conjunction with that, he or she would look at, potentially, previous incidents that may have occurred, to establish whether the single offence merits more consideration, or if it is relatively minor, or if that offence needs to be looked at in conjunction with previous offences.

For example, if the offence were deemed to be relatively minor but it is an offence that has been repeated over multiple years, then we are seeing a pattern of behaviour. In that case, the entire pattern of behaviour would be taken into consideration. If the singular offence were significant enough—let's say it involved domestic violence of sorts or certain egregious violence—then the CFO may need to only look at that singular incident to make a determination of eligibility.

If it is determined that the individual is not eligible to own a firearms licence or should not be eligible to own a firearms licence—and I make that decision, because if the court issues a prohibition order, it's not really the decision of the CFO. If the CFO determines that the offence is such that the individual, in the context of public safety, shouldn't hold a firearms licence, he or she would revoke the licence. The individual would then have the ability to challenge that decision at a reference hearing. If they were unsuccessful, they would lose their firearms licence.

● (1150)

Mr. Glen Motz: Thank you for that.

This goes to conversations that I've had with some of my colleagues about what we're trying to really do from a public safety perspective with this bill. If we understand clearly how that process works, then the legislation.... You and I have been in the same business. If we remove the ability for an error...where someone has a PAL and doesn't get their licence taken away from them because of some human error. Should there be something in this legislation that makes it mandatory that the court orders it automatically for certain types of offences, as opposed to going through the process of a chief firearms officer eventually making that determination?

Mr. Rob O'Reilly: There are some where the courts are already making mandatory or non-mandatory prohibition orders. Where those prohibition orders are put in place—be it for a 10-year period or a lifetime—the revocation is automatic by virtue of the court order. It would skip all the necessary revocation hearings at that point, if I understand your question.

Mr. Glen Motz: This conversation probably applies to some amendments that are coming up.

The Chair: Why don't we deal with it when they come up? Excellent.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

I would like to understand one thing, and I would like my colleagues from the other parties to explain to me the reasoning in question. We know that criminals who commit murder are sentenced to life in prison, but they can apply for conditional release after 25 years and, as a result, return to society.

However, on the other hand, people who in their youth have had little run-ins with the law will still not be forgiven after 20 years. However, criminals have the opportunity to get out of prison as quickly as possible, yet honest citizens who had slight problems in their youth will be subjected to a thorough background check, going back to their birth. I'm trying to understand the logic here, because it seems that we want to limit as much as possible the number of people who have licences, because it's so exhaustive. That seems very arbitrary to me.

My NDP colleague said it should be okay, but that answer is too vague. Indeed, what can we rely on when we say "it should be okay"? What will be considered a problem and what will not? I would like to understand why the 20-year period is not considered sufficient in this case, when it is for a criminal. After all, once inmates have served one-sixth of their sentences, the law allows for temporary absences or day parole. In the same logic, why shouldn't good citizens who have had minor run-ins with the law in their lives also have a chance?

[*English*]

The Chair: Ms. Damoff.

Ms. Pam Damoff: I'm going to speak to CPC-6 and CPC-7 now in the interest of time. There's nothing in the act that precludes you from owning a firearm even when they do look back for your lifetime. We're having regard to it, so it's taken under consideration. I had a constituent call me with that very question. I checked on it to ensure that when you're looking back for a lifetime, it's something that's considered. It doesn't preclude you from owning it.

Whether it's 20 years or 50 years, I suspect my colleagues on the other side would speak quite differently. I hear them often talking about returning ISIS fighters after 20 years. I'm glad to see that you now believe in rehabilitation and that type of thing, but I'm just saying it doesn't preclude you from owning it. So, whether it's 10 years, 20 years, or 50 years, which is the next amendment.... In effect, I think it's very important to look at it for a lifetime, and then the decision will be made as to whether or not that person should have a firearms licence.

We won't support this amendment and we won't be supporting CPC-7 either, because I think a lifetime is the appropriate time. I know that my colleagues here agree, and then the decision can be made based on that.

● (1155)

The Chair: I have a note that CPC-7 is withdrawn. Is that correct?

Mr. Pierre Paul-Hus: No.

The Chair: Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

I support what my colleague said. I would add for those listening that it is important to understand that background checks do not target youthful mistakes, such as stealing a bag of candy from the corner store. What we are talking about here is a history of spousal violence and problems related to violent acts that are seen to be committed in society with firearms. There are no plans to penalize law-abiding gun owners in any way. That is an important distinction to bring to this debate.

Contrary to what my colleague reported, I did not say that it was vague. This need to keep things in perspective is precisely why this discretion exists. The background check precedes the background check that occurs when someone applies for a licence. Everyone understands that this amendment does not target people who have been delinquent in their youth, but rather individuals who, 20 or 30 years ago—the period covered by the amendment—were charged with serious domestic violence and who, at the age of 50, apply for a licence. I think it is important to set the record straight on this issue: we are not trying to complicate the lives of law-abiding people.

As my colleague Mr. Miller said, when we were talking about national security agencies, no law-abiding person should have to worry about this kind of check. I think the same logic applies to background checks.

[*English*]

The Chair: Ms. Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Building on what Mr. Motz and Mr. Dubé said, my short answer to the question of Mr. Paul-Hus is, it's because we're giving them the right to legally buy a gun. It comes down to that. It's just that simple.

The Chair: Mr. Motz.

Mr. Glen Motz: Before Ms. Damoff gets excited about rehabilitation, an ISIS fighter, a returning ISIS terrorist, is not the same as someone who has punched somebody in a bar fight. With the two, we're dealing with opposite ends of a spectrum, so rehabilitation for the one is different from rehabilitation for the other. I just want to make that clear.

The concern I have with what's proposed in the bill, a full lifetime background, is that there's no comfort, there are no parameters, there are no rules around who is the arbiter of that. We can say that the chief firearms officer makes the decision, but are they equipped to look at what we heard from the emergency room doctors last week, who said they're prepared to provide some type of report on those who might have some issue? We're not just talking about criminality; we're talking about other types of activities that could put public safety at risk.

If you're saying we want a whole lifetime of checking to be done, we do know, moving forward, that might have a different impact from backwards, because police records are expunged by law. For things that could preclude someone from having a firearm, the records no longer exist in their entirety to make an informed decision. There might be a notation on a file of a common assault from the 1970s, yet when you try to find that file to figure out exactly what happened, it does not exist because it has been expunged.

Who makes the decision and what criteria they will use to make the decision has always been a concern of mine. I support, and I think we support, a reasonable check to make sure public safety is adhered to. That's reasonable. The Canadian public expects that. Your side has said, the same as we have, that law-abiding gun owners don't have an issue with that. The issue becomes, how far back do we go? What parameters do we set? What types of activities cause someone to either not retain their licence or have the inability to receive one? How far back, no one has said. What type of offence, no one has said. How does that even look and who makes the determination is always the challenge I have.

I've talked to constituents who ask me the same questions. It's reasonable, but there are so many unanswered questions. We don't know, and because we know there's going to be human error, we don't trust that it's going to be done with a balanced approach.

Therefore, I am hesitant about the full lifetime background. I know that isn't in this, but it is cause for concern.

● (1200)

The Chair: Ms. Damoff.

Ms. Pam Damoff: I have a quick question for officials. Could the decision made by the chief firearms officer be subject to judicial review?

Mr. Rob O'Reilly: Yes, absolutely, unless the revocation is as a consequence of a prohibition order enacted by a judge. However, all decisions are reviewable by reference hearing.

Ms. Pam Damoff: Okay. Thank you.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Amendment CPC-7 has not been withdrawn.

[*Translation*]

Mr. Pierre Paul-Hus: No, it hasn't been withdrawn.

[*English*]

The Chair: In that case, please go ahead, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Ms. Damoff mentioned that she was against CPC-6 and CPC-7.

If I may take just another few moments, I would say that 50 years is a long time. That goes back to 1968, to the student crises at the time or the rise of the FLQ in 1970. There is no doubt that the people who experienced those events don't have weapons today.

Some people will be refused a licence because 50 years covers a long period. In my opinion, that would be the limit, because if we went even further back, my parents wouldn't even have been born yet.

[*English*]

The Chair: Your parents weren't even born then?

Mr. Pierre Paul-Hus: It's a long life.

The Chair: Do we have a birther problem here?

[*Translation*]

Mr. Pierre Paul-Hus: We have an interpretation problem, Mr. Chair.

[*English*]

The Chair: Do we have any debate on this that we haven't already exhausted?

Mr. Viersen.

Mr. Arnold Viersen: As a point of levity, I just want to point out, for the sake of the chair, that I am not 50 years old.

The Chair: I don't know whether that's a pro or a con.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We are on CPC-7.1.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Are we still on CPC-7.1?

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Pierre Paul-Hus: Allow me to get my notes and my chart, Mr. Chair.

CPC-7.1 addresses the length of the audit period. By going back to the age of majority, 18, the period covered is more or less long depending on the age of the licence applicant: this period will be 22 years if the applicant is 40 now, or only seven if the applicant is 25. So we propose a minimum of 10 years for the verification period, which may be longer if the applicant is older.

I hope you understand what I'm saying because I prepared this amendment very late last night. If the applicant is 40 years old, the verification period to the age of majority would be 22 years. If the applicant is 25 years old, it would only be 10 years back, to when the applicant was 15. Did you understand it that way?

● (1205)

[*English*]

The Chair: Ms. Damoff.

Ms. Pam Damoff: This is the fourth attempt at changing this. We still are comfortable with a lifetime of consideration, so we won't be supporting it.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: To Ms. Damoff's point earlier, it feels like we're on the opposite sides of normal when it comes to criminality. Normally, they're asking for a reduction in sentence, and we're asking for an improvement in sentences, so we're on opposite sides there today.

I think that proves the point that we are looking for a compromise position here. Also, I think this one—perhaps more than the other ones—works well, because it allows for indiscretions of youth to fall off after 10 years.

The Chair: Mr. Dubé, who probably is the only one at this table who can still claim indiscretions of youth....

Some hon. members: Oh, oh!

Mr. Matthew Dubé: I hope there aren't too many, since I spent a good chunk of my youth in this place, although someone said that there's indiscretion here as well.

The Chair: Well, this is the place to do indiscretion, apparently.

Mr. Matthew Dubé: At any rate, just for the record, I wanted to say once again that, speaking on a more serious note about indiscretions of youth, that's not what's at issue here.

Second of all—and I say this with all due respect to my colleagues—I wonder how seriously this issue is being taken when we have amendments that say "10", "20", "50", and now "adult or within the previous 10 years, whichever is the longer period". That to me just doesn't show the seriousness with which we need to take this type of background check. It's completely arbitrary that there is literally a span of 40 years in between two of the proposed amendments.

I'm sure they wouldn't take this approach with sentencing or things like that in other types of legislation, which is not to say—for the record, before it gets twisted against me—that I am at all comparing sentencing with licence acquisition. I am once again acknowledging that this in no way will encumber someone's ability to obtain a licence if all we are talking about are these stated indiscretions of youth.

This is not shoplifting a bracelet from the pharmacy. We're talking about a way to make sure that someone who 20 or 25 years ago may have been involved in serious situations of domestic violence or others... I think back, notably, to Ms. Irons' testimony. I am sure my Conservative colleagues would agree that the types of things this individual was involved with should have disqualified him from having a licence. I acknowledge that what's in the legislation won't completely prevent that from happening—and Mr. Motz has raised some issues that can be debated—but I think that at the end of the day having the lifetime look at this is not that problematic.

My understanding, to judge by what I heard Mr. Calkins and others say, is that if we removed everything related to PAL, verification for transfers, and record-keeping the bill would get unanimous consent. Now we're trying to amend the background check, so I'm having a hard time following where the logic is, quite frankly.

The Chair: Mr. Motz.

Mr. Glen Motz: There's really nothing in this bill that deals with the process issues identified by even Liberal witnesses. That's part of the challenge that exists with this. There are no provisions, no understanding, and no anything about how this will play itself out.

Whether or not you believe in lifetime background checks, the devil's in the details, as we've heard over and over again, on how that will occur. There's no language and there's nothing to suggest how this might be done, and that provides significant discomfort to those across this country who might be impacted by this legislation.

● (1210)

The Chair: We've gone from indiscretions to devils.

Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Chair, with all due respect to my colleagues, that's not what these amendments are about. They are not about process. They're arbitrarily line-drawing, and the very simple explanation from our side, in response to Mr. Viersen's assertion that we're on the opposite side of normal, is that a better decision will be made by the person reviewing the file if she or he has access to that information point.

The Chair: Mr. Motz.

Mr. Glen Motz: I want to go back to what I believe to be a witness testimony that was tantamount to why this has arrived the way it has. We remember hearing the testimony of Ms. Irons, as horrific as it was, on what happened to her and her family. The suggestion was made that the individual should never have received a firearms licence. Well, she was absolutely correct. That individual, at the time that he received one, should never have received a firearms licence. If you look into that file, the reality is that the provisions in law were such that he should never have received a firearms licence. It was human error.

We can go back as far as we want, and there still exists the opportunity for human error. I think that's the part that there is some confusion about. That attacker had criminal offences in the past and would have been easily identified under the UCR codes, the unified crime reporting codes used by the RCMP. Those were in effect already. When he applied for a firearms licence, he would never have received one had someone not dropped the ball at some point.

As was indicated by Mr. O'Reilly, unless it's a court prohibition, there are still opportunities for someone—a person—to make a judgment error because they may not have the facts. We can go back as far as we want, but we still aren't going to eliminate completely the possibility of someone slipping through the cracks and committing a crime because they had access to a firearm and they had a licence, and they obtained that licence when they shouldn't have. I needed to add that. I think it's important for us to be aware of that information.

The Chair: Seeing no further debate, those in favour of CPC-7.1?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: On amendment LIB-1, we have Ms. Damoff.

Ms. Pam Damoff: It's not often that, as members of Parliament, we have the opportunity to make an amendment like this amendment. I listened to the testimony we had from a number of witnesses, and I also had the opportunity to meet with Poly se souvient, and I spoke to the Coalition for Gun Control on the phone outside of the meeting as well. I proposed an amendment that reflects information we heard from them. I'll just briefly go over what the amendment includes, and I'm very hopeful that we will be able to pass this unanimously because it really deals with issues that are missing. While we extended the time for the background checks, we didn't change any of the criteria.

One of the things that would be added is if someone has a history of behaviour that includes violence or threatened or attempted violence and threatening conduct on the part of the person against any person—a very legal way of saying someone has displayed violent tendencies—has entered into a recognizance, which is a peace bond, under subsection 810(3) of the Criminal Code, and information that we also heard about posing a risk of harm to themselves or another person.

This amendment would also add that the background check would include threats or conduct communicated "by means of the Internet or other digital network." That was something Poly se souvient and others talked about, the incidence of online hate and misogyny where people are posting on social media, and the ability for that to be included in the background check.

They indicated in testimony that they'd heard that from police and from people who work in the field of gender-based violence.

We also all received a brief from Dr. Sinyor at Sunnybrook Hospital in which he asked that we include an amendment that included "an offence in the commission of which violence against another person was used, threatened or attempted".

We heard, from the same submission that we received, that online behaviour and threats to themselves or others should be included.

The Coalition for Gun Control also asked for an amendment about threats to themselves and others and that background checks should include mental health, addiction, and domestic violence records.

This is the final one, from the Canadian Association of Emergency Physicians. I thought Dr. Drummond was outstanding when he asked us to come back to what the issues were in terms of gun deaths in Canada. He said the issue for them is:

> ...not of access to firearms and whether ownership is the issue, but rather keeping guns out of the hands of individuals who are at risk.
>
> ...there is a fabulous amount of direct, incontrovertible science, both in *The New England Journal of Medicine* and the *Journal of the American Medical Association* that talks about the association between guns, intimate partner violence, homicide, and suicide. There is no reconciliation; the science is very strong.

This amendment speaks to that, so I'm hoping that all of my colleagues are able to support it. I believe—and the legislative clerk could maybe clarify this for us—that if this amendment passes, Ms. May's amendment would be ruled out of order.

● (1215)

Mr. Olivier Champagne: I did see a clear overlap, although I'm not sure that they are mutually exclusive. Maybe the official could look further into it. That was as far as my analysis went.

Ms. Pam Damoff: My concern is that I don't want to pass this and exclude hers. If necessary, I think Ms. Dabrusin would be happy to jump in to subamend mine to include hers.

The Chair: It's in order until it's out of order. Both are in order at this point.

How it might get reconciled is possibly among the two or three of you.

Ms. May wants to speak on a point of order.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Yes, Mr. Chair. I've had the benefit of talking with Ms. Damoff and Ms. Dabrusin. I'm very grateful for Pam's amendment. I think it's brilliant, and I hope it passes unanimously.

But if my amendment, which follows Pam's and deals with the issue of a record of threats of violence against an intimate partner...it would allow that to be a consideration, and it would have to be taken into account so it doesn't affect any charter lines here. We've reviewed it carefully in drafting my amendment. I'd be grateful to surrender my amendment to have it be part of LIB-1, if that works procedurally.

Mr. Chair, I thought you'd probably want to know that the three of us have discussed it. I can't move my amendment or accept a friendly amendment. It's here deemed as moved based on the terms of the motion that you know I hate so much, but I'm here and I have this amendment and I'd be very happy to see it brought in as a subamendment, if that's the will of the committee.

The Chair: Before I call on you, I just want to clarify where we stand. I understand that both are in order. Both are properly before the committee. However, there may be some legal overlap or inconsistency that needs to be worked out if both pass, as might be anticipated. I'm not quite sure how the committee would then deal with the inconsistency until the officials had an opportunity to reconcile two amendments.

I'm proposing that we continue with your amendment, and we debate your amendment because, as it stands, it is in order, and it is properly presented. A number of people wanted to speak to it. Then we'll see after that whether Ms. May is still moving her amendment.

Mr. Viersen.

● (1220)

Mr. Arnold Viersen: I'm happy to support this amendment, but we look for some change. I'd look for a friendly amendment, particularly around section (d) where it says, "has entered into". I'd like to see something more like "is currently under recognizance", because you can be placed in recognizance for a whole wide range of things that may not necessarily affect the decision. It may not have anything to do with violence or anything like that.

The Chair: That's properly before the committee. It certainly is an appropriate amendment.

In terms of voting, we will deal with your amendment first and then Ms. Damoff's.

We'll continue the debate with Mr. Motz.

Mr. Glen Motz: My comments are in line with the amendment and my colleague's comments about peace bonds and how one can be subject to a peace bond. The concern is that one can receive a peace bond, not generally, but in some circumstances, outside of any concern of violence against a person or anything along those lines.

I think it's important that we have proper language around what will entail the consideration of a peace bond. You can add language such as, "a peace bond subject to some of the UCR codes" that have been talked about. You can receive a peace bond for something like not attending a certain location because of prolific shoplifting, so that shouldn't preclude someone down the road from ever having access to a licence.

I support the intent of this as long as we have the language clear. As Mr. Viersen has indicated, that a person is presently subject to a peace bond, and then that peace bond is relevant to a violent offence against a person, which is really what we're trying to get at; that is, a person who poses a risk to someone else, which is what Ms. May has proposed in hers, and what your intent is here, Ms. Damoff. If we're able to make some adjustments to the language, I think we can certainly support that.

● (1225)

The Chair: Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: There is a subamendment, but I would like to speak briefly to Ms. Damoff's amendment, the main amendment. I am very pleased that this has been presented. As Ms. Damoff said, this is an amendment that everyone could agree on. It responds to several comments we have heard.

Unless I'm mistaken, there was a lot of talk about organized crime and street gangs at the last meeting. I certainly don't want to minimize the need to address those problems. It is extremely important to do so. Domestic violence, threats and suicide were also mentioned, especially in the digital age. The amendment doesn't deal directly with that, but suicide has often been left out of the debate. This is really important. I am very pleased to support my colleague's amendment.

[*English*]

The Chair: Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

I would like to raise two points. First, we agree in principle. If you accept our subamendment, we will agree. However, I would like the officials to tell us if this is already covered in the evaluation, in another act or as part of verifications. Are we adding something that already exists?

[*English*]

Mr. Randall Koops: Proposed subsection 5(2) includes certain offences already that must be taken into consideration. The amendment would add additional offences to the class of those that must be taken into consideration.

[*Translation*]

Mr. Pierre Paul-Hus: Okay. Thank you.

To complement what my two colleagues have mentioned, I would say that it is important to make some distinctions with respect to the peace bond. The words "has entered" should be replaced by "is currently". Many people have been given good behaviour orders for really minor offences. If we don't change the wording, these people won't have access to that. Let's not forget that indigenous people are often the subject of good behaviour orders, more than the average person. They already say they don't recognize this law. But we are adding a problem to those already living in these communities.

[*English*]

The Chair: Mr. Picard.

[*Translation*]

Mr. Michel Picard (Montarville, Lib.): I have two comments. The first concerns the amendment and the second, a subamendment that I want to propose.

How would you like me to proceed?

[*English*]

The Chair: A subamendment to the amendment?

Mr. Michel Picard: No, no. A subamendment to the first part. I have two separate comments, but I want to make sure that I don't lose my turn.

With regard to the amendment, the difference between "has entered" and "is currently" makes a big difference depending on the history of the person. I will remind you of the case of Fabrikant in Montreal, the university teacher who ended up shooting someone at the university because of copyright issues and an intellectual dispute.

This is a case in which he should have and he could have been subject to a peace bond because he was a bit too aggressive verbally and bullied the person. He might have ended up using a peace bond. This peace bond would represent the kind of issue in which someone appears to be not that dangerous, but at the end of the day he ended up shooting someone.

I think the dimension of past issues should remain a consideration with regard to the final result. Maybe our guests would comment on my comment. Thank you.

The Chair: Does anyone wish to comment on Mr. Picard's observation?

Mr. Rob O'Reilly: I have really nothing to add at this point, to tell you the truth.

The Chair: Ms. Damoff.

● (1230)

Ms. Pam Damoff: I have questions for the officials. My understanding is that my amendment was a recognizance under subsection 810(3) of the Criminal Code, which deals only with violent offences and distributing threatening information. Can you clarify for me what exactly—I'm not a lawyer, but I understood that that was what the amendment was covering.

Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice): The amendment before us now would add one type of peace bond or recognizance that would have to be considered. There are other types of recognizance in the Criminal Code. This would relate primarily or only to domestic assault and property offences, but there are other ones such as for serious personal injury offences. There's a recognizance order that carries a higher penalty if breached. The other ones relate to criminal organization offences, terrorism offences, forced marriages, and then there are other peace bonds—

Ms. Pam Damoff: I'm sorry, but I'll just stop you there. That's what this one covers?

Ms. Paula Clarke: No. This one covers only one type, which would be for domestic assault and property offences. Because you're specifying a particular type of peace bond, it would be limited to only peace bonds made under section 810, which would be in relation to threats against property and threats against a person.

If a person had concerns that their safety or the safety of another person related to them or their property was in danger, then this is what that peace bond would apply to, but any peace bonds made under other provisions in the Criminal Code would not apply, because you're specifically setting out one type of peace bond.

Ms. Pam Damoff: I don't know if that changes my colleagues' thoughts on their subamendment or not, because it doesn't have to do with shoplifting.

The Chair: I have a suggestion for the committee, because we do seem to be a little stalled here and I'm cognizant of our time. We have an amendment. We have a subamendment and we have an anticipated subamendment and a further amendment, all of which are potentially reconcilable.

My proposal to the committee is that we suspend discussion on these at least four items and that we move on to clause 3. After all, we haven't even finished clause 2. I'm cognizant that we will probably have to use additional time to get through clause-by-clause. I can't move without unanimous consent to that proposal, and I'm mindful that both Mr. Motz and Mr. Paul-Hus are on the speaking order.

If there were some ability—off-line, if you will—to reconcile the issues then possibility you wouldn't feel the need to speak, would you, Mr. Motz?

Mr. Glen Motz: I just have a question. You had mentioned moving on from clause 2 to clause 3, but CPC-8 and CPC-9 are also under clause 2.

The Chair: Yes. I'm proposing suspending everything with respect to clause 2, only because a number of ideas are in play, all of which appear to be complementary and possibly reconcilable.

Yes, Ms. Damoff.

Ms. Pam Damoff: We still have 25 minutes. Could we suspend for five minutes and perhaps talk off-line?

The Chair: The reason I'm not suggesting that is, (a), the loss of time, and (b), Ms. May's amendment. Although it is procedurally fine, substantively it may create legal issues that officials may wish to look into for wording purposes. It's not just a case of ordering. It's making sure that when we do reorder, it actually flows in a consistent fashion so that when people are looking at what we did, we won't find contradictions within ourselves.

That's why I'm suggesting that a five-minute one-off while we suspend won't work. It might need a little more than that.

Mr. Motz.

● (1235)

Mr. Glen Motz: Mr. Chair, I know it's rare that I would agree with you on things, but I will in this circumstance, only because I think it's important that we get some clarity around the subsections of section 810. The way this is worded, I don't think it even covers off what you're hoping it covers off, because we have the wrong subsections of 810. We limit ourselves to property offence issues—

Ms. Pam Damoff: [*Inaudible—Editor*] not just property in general.

Mr. Glen Motz: I know, but we've missed a whole stack of other ones that we need to include in here that are violent offences.

Ms. May's amendment also then can play into that—I agree with the chair—and we might be able to cover off a number of these. My CPC-8 speaks to similar issues of including violent offences against persons. Let's just take our time and get it right as opposed to trying to rush it through. That would be my suggestion.

I know I rarely—

The Chair: I don't know who's more disturbed, that you agree with me or I agree with you.

Voices: Oh, oh!

The Chair: Seeing no real dissent, I propose that we move on to clause 3, and that, at the next sitting of this committee, we commence our deliberations on LIB-1, along with PV-1, CPC-8, and CPC-9, all of which are alive, along with the amendments and potential subamendments.

(Amendment allowed to stand)

(Clause 2 allowed to stand)

[*Translation*]

Mr. Pierre Paul-Hus: So we're putting that off until the next committee meeting for verification or confirmation.

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Pierre Paul-Hus: So, we'll begin the next meeting with consideration of amendment LIB-1.

[*English*]

The Chair: Yes. That's correct.

Ms. Pam Damoff: Just so everyone knows what's on the table, though, do you want to hear what Michel wanted to change? It's a French-to-English thing.

The Chair: I guess there's no harm on a proposed amendment that is not in order, but I just.... The issue is that, really, we are potentially changing three or four things so that it's all reconcilable and we can get to the goal that we have a unanimous clause.

So I don't think it's necessary that you do that. I know Mr. Picard well enough to know that the force of his personality will insert itself in any discussions.

Yes, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: To clearly summarize LIB-1, if I understand correctly, there is a subamendment proposed by the Conservatives and another that will be put forward by the Liberals. Clarification is also being sought on the new charges of violence and assault, including forced marriage and terrorism, which Ms. Clarke mentioned in her speech. We will therefore be able to shed light on this.

[*English*]

The Chair: Okay.

(On clause 3)

The Chair: With that, seeing that we have only 20 minutes left, the next item is CPC-10.

Who is speaking for Mr. Calkins?

Mr. Viersen.

Mr. Arnold Viersen: With this particular motion, I'm thinking especially of my constituent offices, located right across the street from Kodiak Lake firearms store. I see that Mr. Calkins also referenced the Canadian Sporting Arms and Ammunition Association.

The owner is Kevin. Some of these weird things happen because his business owns firearms, and he as an individual owns firearms. There are things that happen when the lines get a little blurry. On this particular bill, he came and had a chat with me. He said, "Arnold, always make sure that the business part is always put in place."

I'm not 100% sure if this amendment is necessary—I can ask the officials we have here—but I think that we should be adding the word "business" so that it would say:

> (9) An individual or business is eligible to hold a licence authorizing the possession of prohibited firearms of a prescribed class if the individual or business

I'm not exactly sure whether it's necessary or whether that's implied.

Would you like me to read it in?

● (1240)

The Chair: Notwithstanding your youth, the rest of us can still read.

Mr. Arnold Viersen: Okay, good. I was hearing on CBC that literacy rates are down in Canada.

The Chair: Is that right? Not in my generation.

Mr. Spengemann, do you wish to have Mr. Viersen ask the officials, or do you wish to debate first?

Mr. Sven Spengemann: If I can come in briefly, Mr. Chair, I'd appreciate it. I think Mr. Viersen raised the very question that I'd like to answer. Basically, grandfathering, as it's currently framed in firearms legislation, applies to individuals. Businesses can apply for licences with prohibited privileges for purposes prescribed in the firearms licences regulations. I believe, it's in section 22. There is a regime in place for businesses, and businesses have until the end of June of this month to consider what to do with an inventory under those regulations.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: One of the problems is that some of these businesses aren't buying and selling firearms; they're collecting them. Would they have to dispose of them? That becomes the issue. That's where I think we need to ensure that businesses have a right to the grandfather clause, as well.

I would love to ask the officials about this.

Mr. Randall Koops: I would just point out that clause 2 as drafted deals only with eligibility for grandfathering for individuals. As your colleague pointed out, the regime for businesses is separate and is dealt with under the firearms licences regulations, in section 22. It's a separate regime for businesses, and it's not dealt with in the amendments proposed through clause 2 in Bill C-71.

Mr. Arnold Viersen: Does that separate regime allow for a business to continue to own a now-prohibited firearm? That's what we're getting at here.

Mr. Rob O'Reilly: The business licence regulations would allow a business, assuming they have a prescribed purpose, to possess prohibited firearms and to have those firearms in their inventory. However, it would not allow them to be eligible to make application under Bill C-71 to have the at-fault firearms themselves grandfathered.

Mr. Arnold Viersen: I didn't quite understand that.

Mr. Rob O'Reilly: There are a number of firearms businesses that have certain conditions on their business licence that allow them to be in possession of prohibited firearms for the purposes of their business, whether or not it is for sale to a prop house or to sell to law enforcement, for that matter. Businesses already have certain provisions that would allow them to be in possession of prohibited firearms.

I guess Randall's point was that section 22 of the firearms licences regulations already allows for businesses to have prohibited firearms in their inventory if there is a legitimate purpose to having them.

Bill C-71, however, really only speaks to the grandfathering of the firearms and the individuals in question, so I think they're two different issues.

Mr. Arnold Viersen: It would be redundant if we put in the business at this point.

Mr. Rob O'Reilly: I don't think it's a question so much of redundancy, but rather that we're almost talking about two different things.

The Chair: With that answer, do you wish to withdraw the amendment?

Mr. Arnold Viersen: No, because I think it needs to be in there. That's an important part. Businesses need to be able to be grandfathered as well.

The Chair: Mr. Motz.

Mr. Glen Motz: I suppose I have a couple of questions.

Given your last comment, I'm not a legal expert, obviously, but an individual who owns a gun shop technically doesn't own the prohibited weapons in that gun shop. The gun shop does. That's a separate entity. That's what my colleague was trying to get at. There needs to be some separation.

I think Mr. Koops made the comment that, or you did Mr. O'Reilly—I don't know who was speaking—that firearms shops, gun shops, would have to come into compliance with this if they are in possession of anything by the end of this month, June 30.

What happens if the passing of this bill goes past June 30? Where does that leave a gun shop? Will there be notice?

It begs the question. If I'm a gun shop owner and I have these what will become illegal firearms, do I get compensated now because I have to have them destroyed?

How does that all work?

● (1245)

The Chair: Mr. O'Reilly.

Mr. Rob O'Reilly: I can't speak to all the legalities of it. Post-June 30, as the legislation is currently written, for a firearms business that would still be in possession of these firearms, the firearms would be deemed to be prohibited. The businesses themselves, if they wish to retain them in their inventory, would have to have the prescribed purpose of the prohibited firearms on their firearms licence. They wouldn't necessarily have to destroy them, assuming they have the prescribed purpose under the firearms licence regulations to continue to possess them.

Mr. Glen Motz: Then they have to destroy them. If, in the rare circumstance, they would not have that prescribed prohibited licence capacity, then they would have to destroy them.

So, my question again is twofold. One, are they going to be compensated for that destruction when it happens? Two, what happens if this bill is not enacted by June 30 and it doesn't come into force and effect? I think it was Mr. Koops, or somebody else who just said they have until June 30 of this year—25 days—to deal with this inventory.

This hasn't even come back to the House yet.

Mr. Randall Koops: My justice colleagues have just reminded me as well that it might be helpful to bring to your attention section 11 of the Firearms Act. Under the provision of special cases it also deals with prohibited firearms, weapons, devices, and ammunition for businesses. There are, as Rob mentioned, prescribed purposes in subsection 11(2), that "A business other than a carrier is eligible to hold a licence authorizing the business to possess prohibited firearms, prohibited weapons, prohibited devices or prohibited ammunition if the business needs to possess them for a prescribed purpose."

That section is not opened up by Bill C-71, but it precedes section 12 on "Prohibited firearms—individuals".

The Chair: Are you satisfied with that answer, Mr. Motz?

Mr. Glen Motz: Well, it's a part answer. I still don't have any determination of whether there is any compensation.

Mr. Arnold Viersen: The other point is that a particular firearms shop may not have that designation to handle prohibited firearms currently.

The CZ rifles are very popular. A lot of folks have them in their inventory. They do not have a prohibited licence at this point as a business. Now, if we make these prohibited, will they get grandfathered in? Will they automatically get a prohibited licence due to the fact that they have in their inventory CZ rifles?

Ms. Nicole Robichaud (Counsel, Department of Justice): No, they wouldn't automatically have prohibited privileges on their licence.

Mr. Arnold Viersen: No, not the way it's currently written; that's why we need to put in for businesses to be grandfathered.

Ms. Nicole Robichaud: Currently the section 12 provisions on grandfathering only deal with individuals. Subsection 12(1) creates the general rule that individuals are not eligible to have prohibited firearms, and then the remainder of section 12 is an exception to that rule.

Mr. Arnold Viersen: Yes.

Ms. Nicole Robichaud: Then section 11 of the Firearms Act is what deals with business eligibility for prohibited firearms.

Mr. Arnold Viersen: Yes, but that's the trouble. We're going to be bringing in a new regime. We're adding several firearms that are popular to the list that are prohibited, and a lot of firearms shops have them that don't necessarily have the right licensing to handle prohibited firearms, and now they're going to be in possession of prohibited firearms. Yes, one part of it is whether they will be compensated for those prohibited weapons, but the other part is whether they will be grandfathered into the prohibited licence, much the same way as when we went from the old licence to the PAL, in that same space you were grandfathered in. That's what Kevin—from the shop right across my road—was saying, that he has several of these CZs in his possession and he wonders what will happen when they outlaw them. That's where we need to put in, everywhere it says "individual who holds a licence...", that when the law gets changed they get grandfathered in on those particular weapons. They get that classification on their licence exception. That's what this amendment is getting to.

I think I clarified that.

● (1250)

The Chair: Mr. Dubé.

Mr. Matthew Dubé: I was just wondering, since grandfathering is essentially what's already deeming in the law as it's currently written—putting aside Bill C-71—had a weapons classification been changed, then the deeming provision would have operated the same way as it would under Bill C-71 without this amendment. Is that correct?

Ms. Paula Clarke: I think I can answer that.

The bill, as introduced, does not deem these firearms to be non-restricted. What happens is that the original deeming provision that's currently in the Criminal Code would be repealed and what would apply would be the legal classifications, the definitions that are set out in the Criminal Code, so it wouldn't be a deeming provision.

Grandfathering is a separate concept from deeming. Grandfathering is a regime that applies when a firearm goes from one classification to a more restricted classification. So it doesn't change the classification of the firearm. What it does is permit possession of these firearms for the original owners. It doesn't change the legal classification of the firearm. It just permits a closed group of individuals to possess that firearm.

Mr. Matthew Dubé: My question then would be—because a classification can change, and that's not something new with this bill—what would happen for a business currently. If they had the proper licensing they could—

Mr. Rob O'Reilly: Currently, in the example you used, if the classification of a firearm changed to a more restrictive classification, businesses would be required to have that business condition on their licence to possess those types of firearms. If they do have those conditions on the licence to possess those types of firearms for that prescribed purpose, then they could continue to own those firearms. If they do not have the prescribed purpose, then they would have to have the firearms removed from their inventory—for example, by export sale to another business that does have that prescribed purpose.

Mr. Matthew Dubé: My final question, Chair, if I may, would then be to clarify. In other words, the situation with the firearms that are listed in Bill C-71 would be the same as any change in classification to a more restricted category currently, as far as the business is concerned.

Mr. Rob O'Reilly: I believe so, yes.

Mr. Matthew Dubé: Okay, thank you.

Sorry, do you have something to add?

Ms. Paula Clarke: There's nothing in the bill that specifically would change the regime of how firearms that are changed to a more restrictive status are treated by businesses.

Mr. Matthew Dubé: Okay. Thank you.

The Chair: Is there any further debate? Seeing none, those in favour of CPC-10?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: We don't have to rule about CPC-11 or CPC-12.

We're now on CPC-10.1. It's in the name of Mr. Paul-Hus.

You have about five minutes.

● (1255)

[*Translation*]

Mr. Pierre Paul-Hus: Are we ready to talk about it, Mr. Chair?

The Chair: Yes.

Mr. Pierre Paul-Hus: Okay.

I think it's an oversight in the bill.

There is provision for the declassification of weapons, except for owners covered by a grandfather clause. Those firearms will now be prohibited. However, we didn't think about the next step. For example, a firearm can be transferred by bequest, by inheritance. Therefore, the daughter or son of the gun owner must be allowed to own the gun. Of course, this is always conditional on the person meeting the conditions for obtaining the licence. But, the fact remains that this provision hasn't been included.

[*English*]

The Chair: Debate? Those in favour?

Mr. Glen Motz: I didn't get the entire document, Chair.

[*Translation*]

Mr. Pierre Paul-Hus: One moment, please.

Nobody has anything to say about that, but what will people do with the guns if someone dies?

Mr. Michel Picard: If there's no debate, there's no debate.

Mr. Pierre Paul-Hus: That's because you don't know.

I'll ask the question.

[*English*]

The Chair: Are you debating, Mr. Motz?

Mr. Glen Motz: Chair, I'm curious to know what our officials are thinking with respect to this amendment, especially for dealing with inheritance or things along that line. What are your thoughts on this, Mr. Koops?

Mr. Randall Koops: I think that if we've understood it correctly, as we read it for the first time, it would propose to extend the grandfathering regime to the heritors or estate of a grandfathered owner.

Currently what's proposed in Bill C-71 for the firearms in question is that this class of grandfathered owner not pass that status on. That grandfathered status continues for the life of the owner but does not exist beyond it. There are, as you know, certain circumstances in the Firearms Act where a grandfathered firearm can be inherited, but the intent in Bill C-71 was that the particular firearms not be eligible to be passed on through grandfathering status.

Mr. Glen Motz: I personally know individuals whose fathers have firearms that would be grandfathered and who have the requisite licensing requirements. As well, the individual who could receive that as part of an inheritance has met the same licensing requirements. Why would there all of a sudden be a need to restrict that transference in those circumstances? I'm having a tough time understanding that.

One individual with a certain class of licence has met the requirements for that class of licence. Again, why only this particular type of firearms was considered to be grandfathered is another debate for another day. If the person who is going to be receiving them also historically has had the requisite licence to own them and may even have some themselves that could be grandfathered, why all of a sudden now would they not qualify to have this grandfathered provision available to them? I'm having a tough time understanding this.

Mr. Randall Koops: Parliament to date has only enacted one situation where the ownership of prohibited firearms passes from one generation to another, and that is in the pre-1946 handguns, the so-called war trophy exemption. The intent in Bill C-71 is that, in the firearms affected by this bill, like the other circumstances where Parliament has legislated to provide for grandfathered ownership, that grandfathered ownership only be available to a certain class of firearms and to a certain class of the current owners. Also, the intent is that the pool stays fixed in time, and that pool does not increase over time through bequests, legacies, or inheritance.

Mr. Glen Motz: The pool would never increase. If it's inheritance, you have one owner who has passed.

● (1300)

Mr. Randall Koops: If it operated in that function, it would create another new eligible owner for grandfathering down through the generations.

[*Translation*]

Mr. Pierre Paul-Hus: Yes, but if someone dies—

[*English*]

Mr. Randall Koops: One at a time is correct, but still, it would not cause the pool to diminish over time, which is the intent of Bill C-71.

The Chair: Mr. Picard.

[*Translation*]

Mr. Michel Picard: My question is for the officials.

Where this is permitted—and in this case it is—can this type of transfer be settled by regulation and not by an act, that is, by a procedure that is detailed by regulation as a result of an act that is already in place?

[*English*]

Ms. Paula Clarke: The bill currently has a provision in it that will allow for the Governor in Council to enact a regulation to deal with grandfathering in the future, but, from what I see as drafted, it does not contain an enabling authority to allow grandfathered owners to bequeath these firearms to family members.

Mr. Michel Picard: Yes, but my question wasn't whether we allow it or not. My question is whether, in the circumstance where there might be a possibility that one firearm be transferred to someone else, the procedure to do that will be covered by regulation and not by the act. Is that the case?

Ms. Paula Clarke: If the act gives the Governor in Council enabling authority to pass regulations to do that, the act can do that. The bill does not currently do that.

Mr. Michel Picard: Thank you.

The Chair: Mr. Paul-Hus is up next.

[*Translation*]

Mr. Pierre Paul-Hus: I thought my time was up. It's okay.

[*English*]

The Chair: Okay, then it's Mr. Viersen.

Mr. Arnold Viersen: I guess that's exactly the point there. Should it not have that in there?

Ms. Paula Clarke: I'm sorry. Could you repeat the question?

Mr. Arnold Viersen: What you just said. Should it not be in there? Would this amendment not improve the bill significantly in that regard, then?

Ms. Paula Clarke: That's not a decision we would make legally. As justice officials, we can't comment on policy decisions.

Mr. Arnold Viersen: Yes. I guess her recommendation just made our point for us, Mr. Chair.

The Chair: Is there any other debate on CPC-10.1?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Normally we would end here, colleagues, but I'm proposing that we go to 1:30, unless somebody wants to sponsor a motion against that.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I wish I had known before, because I have other appointments.

As the extension of the meeting wasn't planned, we weren't able to prepare for it. Had we known in advance, we would have prepared our questions. However, we have other things to do. I'm sorry about that.

The meeting went well, but we should have known about the extension. That way, we could have found people to replace us, which isn't currently the case.

[*English*]

The Chair: We all have those difficulties.

Ms. Elizabeth May: I suppose I could take your chair and help out the Conservatives.

The Chair: That's very generous of you, Ms. May.

Unless there's a motion to the contrary, I can extend this meeting to 1:30. Do you wish to sponsor a motion to not extend the time to 1:30?

[*Translation*]

Mr. Pierre Paul-Hus: Yes, because it wasn't planned. As I said, there are other commitments, and we weren't able to provide replacements to continue this work. It isn't just a study, but a clause-by-clause consideration. We have to present our amendments.

[*English*]

The Chair: That's a dilatory motion.

Those in favour of Mr. Paul-Hus' motion effectively to terminate the meeting now?

(Motion negatived)

The Chair: The meeting continues until 1:30 at the call of the chair.

The next clause is CPC-11. Who's moving for Mr. Paul-Hus, other than Ms. May?

Mr. Viersen, are you moving CPC-11?

● (1305)

Mr. Arnold Viersen: Yes. I don't have it in front of me, but I will move it.

The Chair: Is there debate?

Mr. Arnold Viersen: It's a great emotion—

The Chair: It's a great emotion. I'm sure that is.

Mr. Arnold Viersen: It should be passed immediately. I don't have it in front of me, though.

The Chair: Does anybody else wish to debate CPC-11?

Mr. Dubé.

Mr. Matthew Dubé: I will help my colleague out there.

The issue is the June 30 reference. We don't know, with this new, independent Senate, what's going to happen. Not to foretell the results of the vote on this legislation, but we can imagine it's likely to be adopted. I think allowing the date to be prescribed, rather than sticking with this hard June 30 deadline, gives that greater certainty, which will certainly be helpful for firearms owners.

I support it.

The Chair: Mr. Spengemann.

Mr. Sven Spengemann: Mr. Chair, I would argue the opposite. Rather than a later and undefined date, the current date—which is fixed at June 30, 2018, for the purposes of grandfathering—reflects our commitment to transparency and allows businesses and individuals to plan their time accordingly.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I would like to say something.

The Chair: Go ahead.

Mr. Pierre Paul-Hus: Last week, we saw that the RCMP had already put rules in place when the bill hadn't even been passed. The legislative process isn't complete because the Senate hasn't reviewed it. If the government says that a date has been set and maintains its position, then we don't need to be here today and everyone can go home.

It's just normal to put a prescribed date rather than any date when we haven't even finished our work. I am glad my NDP colleague agrees with that.

[*English*]

The Chair: Mr. Viersen.

Mr. Arnold Viersen: I want to echo my colleagues, that this would make sense. When it's not the law, we shouldn't have people trying to live by a law that is going to come into effect sometime in the future and then, essentially, postdate it. I think this is a great amendment, now that I have it in front of me and can read it clearly.

The Chair: Mr. Motz.

Mr. Glen Motz: Chair, given the time we are today—and it's obvious that this bill will not receive royal assent by June 30—it only makes sense that the Governor in Council set the date and not cause confusion around Parliament backdating this law. It causes confusion otherwise, contrary to what Mr. Spengemann may have just indicated. In my opinion, without a prescribed date, it actually causes more confusion by setting a date of something that hasn't even started to come into law yet.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: What happens if this bill is not passed, and then we pass it later and this date has gone by? It seems to me like we have an internal conflict in the bill. No?

Mr. Koops.

Mr. Randall Koops: The date remains the same. I suggested that there's no need to update the date, in the sense that the date is roughly three months from the time of introduction of the bill. That period was intended to provide people in the marketplace—owners, buyers, sellers, importers, wholesalers, retailers, manufacturers—with a period of time, as fair notice of the government's intent. It was not intended that the date would be effective, related to royal assent coming by that date, by any means.

If the date is delayed, as Mr. Spengemann suggested, the policy effect is that the pool of potential owners may grow. The intent of the bill is to actually begin to limit the pool of potential owners of these firearms. By putting the date off to an indefinite later date, there is less clarity as the signal to the marketplace for people who choose to get into that portion of ownership or for those who are choosing to divest themselves of those firearms, which could also potentially create a larger ownership pool, subject to future grandfathering.

● (1310)

Mr. Arnold Viersen: Okay. Thank you.

I guess that makes the point that the date should be around when this bill is going to come into effect. I think that this amendment would work very well to do that, just to ensure that people aren't having to abide by a law that isn't even in existence yet.

The Chair: Go ahead, Mr. Motz.

Mr. Glen Motz: Obviously, there's going to be confusion with a bill that may not receive royal assent until into the fall at some point in time, so that it doesn't become law until then. Therefore, we're backdating it, so that we have a June 30 date that could be three or four months or more away, after the bill becomes law.

Besides the confusion, is there the potential that someone may think that they are committing a criminal offence in the meantime? Is it a possibility, much like I'll bring up in CPC-12 where there's going to be confusion. I think it might be convenient when you draft a piece of legislation to suggest that having a three-month prescribed date is reasonable to get people ready if that date is going to become law. Given the timelines when this was introduced and the time we have left until the end of this session, we know that to receive royal assent is an impossibility.

Mr. Randall Koops: No matter what day it is that the bill becomes law, that was not intended as the effective date to be an eligible owner for grandfathering. What the date of June 30, 2018 does is establish the point in time at which an owner will be asked to establish, as a matter of fact, that they were a lawful owner, with a duly issued registration certificate for that firearm on a given date.

Mr. Glen Motz: Okay. You just confirmed my concern, which is that we have a prescribed arbitrary date of June 30. We're not talking the CZs or the SAs. We're talking about the other provisions in this act that make it a criminal offence, if they aren't adhered to. You're saying—let's take a date, like October 1—this act receives royal assent and it becomes law. Who is going to go back and make sure that everybody was compliant? What you're saying is that everybody has to comply by June 30. Even though it's three or four months out, they had to be compliant back then and if they weren't, are they subject to criminal sanctions?

Ms. Paula Clarke: There's currently an amnesty order in place for the four-season firearms. That amnesty order ensures that people who are in possession of these firearms would not be subject to criminal liability. That amnesty order goes until 2021. It lasts for three years. That amnesty order is independent of this bill. If this bill never becomes law, that amnesty order still exists. If this bill doesn't come into force, the government could take steps to address that at that time, but there's currently no criminal liability for individuals who are in possession of these firearms. Regarding the other firearms that are currently not restricted, people aren't at any risk of prosecution for those either.

The June 30 date has nothing to do with the legality or criminal risk of these firearms. People who are in possession of them will not be at criminal risk for prosecution until the expiration of the amnesty order, which is roughly two and a half years from now.

The June 30 date is simply a mechanism to ensure that firearm owners are aware that they need to be in possession of the firearm at that date. That would make them eligible for grandfathering and if you were in possession of the firearm the next day, you would not be eligible for grandfathering. If the bill doesn't come into force, then these individuals would not be grandfathered through this bill and the June 30 date would mean nothing.

● (1315)

Mr. Glen Motz: I'm drawing a blank. I don't understand the arbitrary June 30 date. Is that a common date that's set—three months from when a bill is introduced?

Second, the application of the June 30 date to the specifics in this bill is only on possession of firearms. It doesn't apply to any other aspect of the bill, such as ATTs or anything else? It's only for possession of restricted and prohibited weapons, correct?

Mr. Rob O'Reilly: It's in reference to the eligibility for grandfathering for CZ and the Swiss Arms firearms.

Mr. Glen Motz: So June 30 has no other application in this bill but the grandfathering. Is that what I'm hearing you say?

Mr. Rob O'Reilly: Yes, that's correct.

Mr. Randall Koops: The intent is to ensure that current owners—current roughly at the time the bill was introduced—can be eligible for grandfathering, irrespective of when the bill comes into force.

Mr. Glen Motz: Then there is what you said, Ms. Clarke, that the amnesty is in place, so those who choose not to be compliant on June 30 would not face sanctions until some time after the bill receives royal assent, if it does. Is that an accurate statement?

Ms. Paula Clarke: Unless the amnesty order was repealed, they would not be at risk for criminal liability.

The Chair: I'm sure Mr. Motz might have other questions, but we have Ms. Damoff, Mr. Viersen, and Mr. Paul-Hus.

Ms. Damoff.

Ms. Pam Damoff: If this June 30 date deals strictly with grandfathering, by extending it, what you're really doing is allowing more of those guns to be imported and sold. Is that correct?

Ms. Paula Clarke: Yes.

Ms. Pam Damoff: We're talking only about grandfathering here, which is what Mr. Motz's point was. If we were to arbitrarily move it to September 1, it would mean that more of the guns would come in and then be sold.

Mr. Randall Koops: That's correct.

Ms. Pam Damoff: Okay, thank you.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: Mr. Chair, we're going through this bill line by line right now. We have several amendments left to go—nearly a doorstop's worth—and that could change the tenor of the bill to some degree, I think.

I have an amendment coming up soon, proposed by Mr. Calkins, to remove the CZ firearm model from the bill. They say it's not necessary. That will change the date on which this is going to come into effect, and I think it's important to recognize that. Having that June 30 date in there was, in my opinion, fairly arbitrary. It should be on the day that the law comes into effect. That seems to make much more sense. This seems like a very arbitrary date, picked willy-nilly, not because it's the law of the land, but precisely because of what the witnesses said, which is that we want to stop the sale of this rifle today. Well, the law of the land today is that it's totally legal to own this particular rifle in Canada. Why would we try to restrict the sale of that rifle today when it is legal to sell it today, even though at some point in the future a law is going to pass that will make it illegal to own it?

The Chair: Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Those are exactly my colleague's arguments. In the case of Bill C-45, which includes marijuana, the Prime Minister's intent was for it to be in force on July 1st. However, we could see that because of the legislative work, implementation would take place later. This doesn't mean that everyone can smoke pot on July 1st. It will only be legal once the bill comes into force.

It's kind of the same principle. If, on July 4th, I want to buy a gun, I will have the right to do so if the legislation hasn't yet come into force.

What are we going to do after that? If the legislation comes into effect in September, what will people who have bought guns in the summer do? There is no logic in that. In fact, there is one, but is it correct, legal and acceptable?

There's the problem.

● (1320)

[*English*]

The Chair: I hope you're not asking the chair for an opinion.

Mr. Motz.

Mr. Glen Motz: Witnesses, based on what we've just heard on this date, and what you've just indicated, and what Mr. Viersen has just said, if I choose to purchase one of these restricted firearms, I'm qualified to own one, if that's the case. I'd buy one before June 30, and that's still legal. Even though this bill has not passed or come into law, will a gun shop be in violation of anything should they sell one of these firearms after June 30? Will I, as a licensed gun owner who could purchase one of these firearms as identified in this act after June 30, be subject to criminal sanction at that point in time?

This act means nothing yet because it hasn't been enacted. It means nothing. That's the whole point. This is confusing the Canadian public. It makes zero sense to me that we would consider that. Can a gun shop sell one of these firearms as you've prescribed after June 30, and the amnesty applies? And it's the same thing with me. Can I purchase one after June 30? Obviously I can up until then, as my colleague has indicated. If they're lawful today—this act hasn't passed—why wouldn't they be lawful after June 30 if this law still hasn't passed?

Mr. Randall Koops: They would still be lawful. The status of the firearm does not change on June 30. June 30 is simply the date by which, in future, once the bill has passed both houses of Parliament and been brought into force, an owner would have had to be in possession of one in order to be grandfathered. People could still purchase them after June 30, but they would do so knowing that there would be no grandfathering, no ability to register it.

Mr. Glen Motz: Then we're leaving it up to them to be aware of....

Mr. Randall Koops: It provides certainty for people to make their decisions about whether they wish to get into or out of that class of firearm by a given date.

Mr. Glen Motz: We're setting ourselves up for confusion. We're making it more difficult on the Canadian public to try to navigate through this process. How would it substantively change this bill to remove the date of June 30 and put, as was recommended, a prescribed date? What's the big...? I don't understand how that is going to have a negative impact on this bill. In my opinion, it would actually have more of a positive impact. Please tell me what negative impact moving the date forward to a prescribed date would have down the road.

Mr. Randall Koops: We defer to you on whether it's desirable or not, but the effect—

Mr. Glen Motz: You know my answer to that.

Mr. Randall Koops: —would be that it would allow for an increasingly larger class of owners for an undefined period, who could potentially then be grandfathered as owners.

Mr. Glen Motz: What you're suggesting is something that may be happening already. It may be that this exact issue that you're referring to may be happening as we speak, at this moment.

Mr. Randall Koops: People may now be making decisions about getting into or indeed getting out of that type of ownership of that type of firearm in the knowledge that, on June 30, they will have to be an owner if they wish to become a grandfathered owner.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: A lot of these firearms aren't produced here in Canada. They're produced around the world. On July 1, will CBSA allow these firearms to come across the border given the fact that we know this bill is not going to pass?

● (1325)

Ms. Paula Clarke: There are two categories here that the grandfathering clauses cover. The first category is the CZ 858s and the Swiss Arms that were deemed to be non-restricted. There was another category of Swiss Arms that were not deemed to be non-restricted because the RCMP was unaware that they existed at the time that the order that deemed these firearms was made. They're referred to as Four Seasons arms. They are currently prohibited.

There's an amnesty order in place that protects individuals from criminal prosecution for possessing them. It has four permitted uses: disposing of the firearms, selling them to a business that has privileges to possess prohibited firearms, delivering them to a peace officer, and transporting the firearms in order to give them to a peace officer to sell them.

Mr. Arnold Viersen: Yes.

Ms. Paula Clarke: Regardless of what happens with this bill, these situations don't change until this bill is enacted. If this bill is not enacted, it will stay the same. So, the Four Seasons and the CZ 858s would remain non-restricted, and the amnesty order would be in place with regard to the other Four Seasons firearms that are not non-restricted, but are, in fact, prohibited.

The date that is set out in the legislation doesn't affect the legal classification of any of these firearms. It just gives notice to firearms owners to give them time to decide whether they want to be grandfathered or whether they want to dispose of the firearms. If the bill doesn't come into force and is not enacted, then that date is just meaningless.

Mr. Arnold Viersen: As we heard just a minute ago, people are going to be making decisions based around this date as to whether to purchase or sell their firearms. Some of these firearms are currently restricted firearms, but not prohibited firearms. This looks like they're going to become prohibited firearms. Will those firearms stop coming across the border on July 1? That's what this date....

Ms. Paula Clarke: Are we referring to the firearms that are deemed to be non-restricted, the CZ 858s and the Swiss Arms?

Mr. Arnold Viersen: Yes.

Ms. Paula Clarke: No, that wouldn't happen until the bill came into force.

Mr. Arnold Viersen: Okay.

Ms. Paula Clarke: That's when the classification of the firearms would revert back to the prohibited status. Currently, under the law, because of the order that was made to deem these provisions to be non-restricted, they are non-restricted until this act comes into force.

So, the Swiss Arms and the CZ 858s can be imported into Canada. They can be sold. They're treated as if they're non-restricted or restricted, depending on barrel length. This date does not affect that.

The other firearms are prohibited, and they should not be imported into Canada or sold.

Mr. Arnold Viersen: That makes sense.

The Chair: Mr. Motz.

Mr. Glen Motz: Thank you, Mr. Chair.

Somebody suggested that I confuse easily, but your last statement did confuse me. It was that we're saying that the CZ 858s and the SAs are currently restricted and that after this act they become—

Ms. Paula Clarke: No. Currently, the CZ 858s are either non-restricted or, if they have a shorter barrel, restricted.

Mr. Glen Motz: Right.

Ms. Paula Clarke: That's their current status. Then all of them, the non-restricted and the restricted ones, would become prohibited once the deeming power that currently exists in the Criminal Code is repealed by the act. When that deeming power is repealed, the legal status of those firearms reverts to prohibited. The Criminal Code classifications would apply, and those firearms will become prohibited because the legal authority to deem them to be non-restricted will be repealed.

I know it's very confusing.

Mr. Glen Motz: I understand that portion. I'm trying to determine the impact that this will have on individuals between June 30 and whenever this bill becomes law.

With regard to Mr. Viersen's comments that we're going to allow these firearms to continue to be imported into the country during this period of time after June 30, yet their sale will be severely limited after it becomes law and, in some cases, prohibited on all grounds afterward, I'm wondering about the June 30 arbitrary date. I think we're opening up a nightmare that somebody, operationally, is going to be very disturbed about. It's going to come back, and it's going to bite the lawful gun owners now. That's who we're here to try to protect: those people who unwarily become criminals because of an arbitrary date.

● (1330)

The Chair: Thank you for that.

Those in favour of CPC-11? Those opposed?

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: I now propose that we adjourn.

Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: Mr. Chair, I would just like to mention that in this committee, we are used to working well. I think we're working constructively.

Also, in the future, I would like to be notified in advance. We have always had a good relationship, and I would like that to continue.

Thank you.

[*English*]

The Chair: I anticipate that it will continue, Mr. Paul-Hus.

Because of the progress, or lack of same, we are proposing to set up a meeting on Wednesday to continue with our clause-by-clause. Notification from the clerk will go out shortly.

Thank you.

The meeting is adjourned.

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